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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,115	12/06/2000	M. Scott Reichardt	UV-174	9203
7590	02/25/2005		EXAMINER	
Richard M. Feustel, Jr. FISH & NEAVE 1251 Avenue of the Americas New York, NY 10020-1104			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/731,115	REICHARDT ET AL.
	Examiner	Art Unit
	Son P Huynh	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 December 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-84 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 December 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2,3 and 11/06/02.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 34-36, 44 are objected to because of the following informalities:

In claims 33-36, line 1, the limitation “the system defined in claim 20” should be replaced as – the system defined in claim 30.

In claim 44, line 1, the limitation “the system defined in claim 9” should be replaced as – the system defined in claim 37Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-84 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al. (US 6,177,931).

Regarding claim 1, Alexander teaches a method for providing access to a passive video product (television program or advertised product) from an interactive application (interactive program guide on screen 10 – figure 1), comprising:

providing a branded selectable option (interactive ads windows 14,16 or interactive icons on the Grid guide 22) within an interactive application display (interactive program guide - figure 1));

providing a passive video product associated with the brand in response to a user selecting the option from the interactive application display is met by providing television program associated with the selected icon on PIP window or full screen window in response to a viewer selecting an icon from the interactive program guide (col. 4, lines 13-23; col. 5, lines 5-14; col. 8, lines 4-17; col. 13, lines 46-67).

Regarding claim 2, the further claimed feature of providing interactive content with the passive video product is either met by providing on screen notifications with the real time television program being displayed (col. 14, line 50-col. 15, line 12) or the viewer presses the “Guide” key on the viewer’s remote control device when the viewer watches a full screen display of the television video programming to display EPG grid guide, Ad windows with the television video programming (figure 1 and col. 6, line 64-col. 7, line 30).

Regarding claim 3, the additional claimed feature for the interactive content comprises an alert icon is met by the interactive icons on the interactive program guide (figure 1) or

icon of the on screen notifications (col. 15, lines 5-22); the additional claimed feature of providing a merchandising opportunity to the user in response to the user selecting of the alert icon is met by providing information of the television program or merchandise in response to user selecting of the interactive icon (col. 14, line 50-col. 15, line 22; col. 15, lines 47-50; figures 1, 5,6).

Regarding claim 4, the additional claimed feature of the alert icon is overlaid onto the passive video product is met by the interactive program guide or the on screen notification icon is overlaid onto full screen television program (col. 3, lines 55-61; col. 7, lines 20-30; col. 15, lines 4-20).

Regarding claim 5, the additional feature of the interactive content comprises a television program listing is met by television interactive program guide (figure 1); the further claimed feature of providing additional information for the television program listing in response to the user selecting the television program listing is met by providing the entire title and detail description on the detail description area in response to user selecting a particular icon on the interactive television guide (figure 1 and col. 15, lines 52-64).

Regarding claim 6, the additional claimed feature of the interactive program application is an interactive television guide is met by interactive program guide on screen (10 – figure 1); and the further claimed feature of the branded selectable option is a branded

selection menu option of the interactive television guide is met by interactive grid guide and/or interactive ads windows on the interactive program guide (figure 1).

Regarding claim 7, Alexander discloses data in the interactive program guide can be downloaded from Internet and displayed on the screen (col. 8, lines 36-64; col. 18, lines 1-67). Inherently, the interactive application is a web browser.

Regarding claim 8, the further claimed feature of providing the passive video product comprises tuning equipment associated with the user to a television channel is met by providing the television program comprises tuner associated with the viewer to a television channel (col. 7, lines 10-18; col. 30, line 60-col. 31, line 8).

Regarding claim 9, the claimed method for providing advertisements for passive programming within an interactive application implemented at least part on user equipment is met by the disclosure of Alexander (figure 1), wherein the claimed feature of providing an advertisement for passive programming in an interactive application display is met by providing program title for television program in an interactive program guide (figure 1); the claimed feature of providing the advertised passive programming on the user equipment in response to the user selecting the advertisement from the interactive application display is met by providing the television associated with the selected icon in response to the user selecting the program title from the interactive

program guide (col. 4, lines 13-23; col. 5, lines 5-14; col. 8, lines 4-17; col. 13, lines 46-67).

Regarding claim 10, the further claimed feature of the passive programming is a television program, a commercial, a pay per view program, or a passive video product segment is met by a television program displayed on PIP window or advertisement displayed in ads windows 14, 16 – figure 1).

Regarding claim 11, the further claimed feature of retrieving the advertisement associated with the passive programming is met by providing on screen notifications (col. 14, line 50-col. 15, line 20) or retrieving additional information relevant to the television program (col. 17, line 50-col. 18, line 67).

Regarding claim 12, the further claimed feature of retrieving an advertisement according to a schedule is met by retrieving on screen notification a certain amount of time before the program begin or retrieving particular advertisement according to particular program displayed on the screen (col. 25, line 50-col. 26, line 60; col. 33, lines 26-65).

Regarding claim 13, the further claimed feature of retrieving an advertisement according to a real time flag is met by retrieving among other things, additional information about the particular event involving the astronauts according to an event involving astronauts described by news broadcaster while watching the news program (col. 18, lines 54-67).

Regarding claim 14, Alexander further teaches the advertisement is branded (e.g., Goodyear Tires – col. 33, lines 27-43 or network channels – col. 31, lines 1-8, figure 1).

Regarding claims 15, 17, the claimed limitations correspond to the limitations as claimed in claims 7, 8 respectively, and are analyzed as discussed with respect to the rejection of claims 7,8.

Regarding claim 16, Alexander further discloses the interactive application is an interactive television program guide (interactive program guide – figure 1); and providing the advertisement in the interactive application display comprises providing the advertisement as a panel advertisement (Ad windows or Grid guide) in the interactive television program guide (interactive program guide) – figure 1.

Regarding claim 18, Alexander discloses a method for providing advertisements within an interactive application implemented at least in part on user equipment (figure 1) comprising:

providing branded passive programming to the user equipment (providing television programming to the viewer equipment –col. 6, line 65-col. 7, line 18);
providing a user associated with the user equipment with an opportunity to indicate a desire to access additional information associated with the branded passive programming (viewer presses a key on the remote control device to access additional

information associated with the television programming -figure 1, col. 17, line 48-col. 18, line 67);

providing an interactive display on the user equipment in response to the user indicating a desire to access the additional information, wherein the display comprises an advertisement for an advertiser associated with the brand of the branded passive programming (providing interactive program guide on the viewer screen in response to viewer selecting the "Guide" key (col. 6, line 65-col. 7, line 18), wherein the display comprises an title for broadcast network associated with the television programming – figure 1, col. 15, lines 47-55; col. 17, line 50-col. 18, line 53; col. 26, line 57-col. 27, line 2; col. 33, lines 26-42).

Regarding claims 19-24, the limitations as claimed correspond to the limitations as claimed in claims 10-16 respectively, and are analyzed as discussed with respect to the rejection of claims 10-16.

Regarding claim 25, Alexander discloses a method for providing advertisement space to advertisers across television related products (figure 1) comprising: allocating advertisement time for an advertiser on an interactive application and during a passive program (figure 1 and col. 22, lines 20-33; col. 26, line 57-col. 27, line 20; col. 32, line 25-col. 33, line 43).

Regarding claim 26, Alexander further teaches providing a user with an opportunity to select the advertisement in the interactive application (viewer selects a program title or ad window in the interactive program guide – figure 1, col. 15, lines 47-63; col. 17, line 40-col. 18, line 67); providing the passive program in response to the user selecting the advertisement in the interactive application (providing television program and/or product in response to viewer selecting a program title or ad window in the interactive program guide – figure 1, col. 4, lines 18-20).

Regarding claims 27-28, the claimed limitations correspond to the claimed limitations in claims 19, 23 respectively, and are analyzed as discussed with respect to the rejection of claims 19-23.

Regarding claims 29-56, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1-28, and are analyzed as discussed with respect to the rejection of claims 1-28.

Regarding claims 57-84, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 1-28, and are analyzed as discussed with respect to the rejection of claims 1-28.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shoff (US 6,240,555) teaches interactive entertainment system for presenting supplemental interactive content together with continuous video programs.

Schein et al. (US 6,388,714) teaches interactive computer system for providing television schedule information.

Klosterman et al. (US 5,940,073) teaches method and system for displaying other information in a TV program guide.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
February 18,2005



HAI TRAN
PRIMARY EXAMINER